

Appendix I

Regulation Chapter Name: Home and Community-Based Options Waiver: Intensive Behavioral Services for Children, Youth, and Families						
Reference: COMAR 10.09.89						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.09.89.*						
Service Setting (Not Applicable)						
#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1a	1915c: §441.301(c)(4)(i) 1915i: §441.710(a)(1)(i) 1915k: §441.530(a)(1)(i) The setting is integrated in the greater community			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1c	The setting supports opportunities to seek employment and work in competitive integrated settings			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1d	The setting supports individuals to engage in community life			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1e	The setting supports individuals to control personal resources			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2a	1915c: §441.301(c)(4)(ii) 1915i: §441.710(a)(1)(ii) 1915k: §441.530(a)(1)(ii) The setting is selected by the individual from among setting options including non-disability specific settings			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2b	Settings include an option for a private unit in a residential setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2c	The setting options are identified and documented in the person-centered service plan	X			COMAR 10.09.89.10-C - Family peer support services may include, but are not limited to: (6) Working with the family: (a) To organize and prepare for meetings in order to maximize participation in meetings;(b) By informing the family about options and possible outcomes in selecting services and supports to assist with informed decision-making and (7) Empowering the family to make choices to achieve desired outcomes for the participant as well as the entire family	
2d	The settings options are based on the individual's needs and preferences	X			COMAR 10.09.89.10-C - Family peer support services may include, but are not limited to: (6) Working with the family: (a) To organize and prepare for meetings in order to maximize participation in meetings;(b) By informing the family about options and possible outcomes in selecting services and supports to	

Service Setting (Not Applicable)

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		Compliant	Noncompliant	Absent		
2d	The settings options are based on the individual's needs and preferences	X			assist with informed decision-making and (7) Empowering the family to make choices to achieve desired outcomes for the participant as well as the entire family	
2e	For residential settings, options are based on resources available for room and board			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3a	1915c: 441.301(c)(4)(iii) 1915i: §441.710(a)(1)(iii) 1915k: §441.530(a)(1)(iii) The settings ensures an individual's rights of privacy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3b	The settings ensure dignity and respect			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3c	The settings ensure freedom from coercion			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3d	The settings ensure freedom from restraint			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4a	1915c: 441.301(c)(4)(iv) 1915i: §441.710(a)(1)(iv) 1915k: §441.530(a)(1)(iv) The settings optimize, but does not regiment, individual initiative, autonomy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4b	The settings optimize independence in making life choices			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4c	The settings optimize independence in daily activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4d	The settings optimize independence in the physical environment			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4e	The settings optimize independence with whom to interact.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
5a	1915c: §441.301(c)(4)(v) 1915i: §441.710(a)(1)(v) 1915k: §441.530(a)(1)(v) The settings facilitate individual choice regarding services and supports	X			COMAR 10.09.89.10-C - Family peer support services may include, but are not limited to: (6) Working with the family: (a) To organize and prepare for meetings in order to maximize participation in meetings; (b) By informing the family about options and possible outcomes in selecting services and supports to assist with informed decision-making and (7) Empowering the family to make choices to achieve desired outcomes for the participant as well as the entire family	

Service Setting (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
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5b	The settings facilitate who provides services and supports			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria
6a(2)	The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria
6a(3)	For settings in which landlord tenant laws do not apply, the State ensures that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria
6a(4)	The State ensures that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria
6b	(B) Each individual has privacy in their sleeping or living unit			X		The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
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6b(1)	Units have entrance doors lockable by the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b(2)	Only appropriate staff have keys to the lockable entrance doors			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(2)	Individuals have the freedom and support to control their own activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(3)	Individuals have the freedom to access food at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6d	(D) Individuals are able to have visitors of their choosing at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6e	(E) The setting is physically accessible to the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6f	(F) Individuals sharing units have a choice of roommates in that setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6g	(G) Individuals have freedom to furnish and decorate their sleeping units or living units within the lease or other agreement			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1915c: §441.301 1915i: §441.710 1915k: §441.530						
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:					
7a	*Identify a specific and individualized assessed need.	X			COMAR 10.09.89.01 - Eligible participants are served by care coordination organizations through a wraparound service delivery model that utilizes CFT to create and implement individualized plans of care	
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.	X			COMAR 10.09.89.05-D - In partnership with the CFT, the CCO shall: (1) Reevaluate the POC at least every 45 days with re-administration of BHA-approved assessments as appropriate, and more frequently in response to a crisis and (10) Meet at least every 45 days or more frequently as clinically indicated	

Person-Centered Service Plan - Modifications for Restrictive Techniques

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7c	*Document less intrusive methods of meeting the need that have been tried but did not work.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.	X			COMAR 10.09.89.01 - Eligible participants are served by care coordination organizations through a wraparound service delivery model that utilizes CFT to create and implement individualized plans of care	
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.	X			COMAR 10.09.89.05-D - In partnership with the CFT, the CCO shall: (1) Reevaluate the POC at least every 45 days with re-administration of BHA-approved assessments as appropriate, and more frequently in response to a crisis and (10) Meet at least every 45 days or more frequently as clinically indicated	
7f	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.	X			COMAR 10.09.89.05-D - In partnership with the CFT, the CCO shall: (1) Reevaluate the POC at least every 45 days with re-administration of BHA-approved assessments as appropriate, and more frequently in response to a crisis and (10) Meet at least every 45 days or more frequently as clinically indicated	

Person-Centered Service Plan - Modifications for Restrictive Techniques

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7g	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7h	*Include an assurance that interventions and supports will cause no harm to the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria